

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	
v.)	Cause No. 4:12-cr-4-TWP-MGN
)	
RALPH T. MINOR,)	
)	
Defendant)	

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

This matter is before the undersigned U.S. Magistrate Judge pursuant to the Order entered by the Honorable Tanya Walton Pratt, U.S. District Court Judge, on June 12, 2014, designating the Magistrate Judge to conduct a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed with the Court on May 8, 2014 (hereinafter "Petition) and the Supplemental Petition for Warrant or Summons for Offender Under Supervision filed on June 26, 2014 (hereinafter "Supplemental Petition"), and to submit to Judge Pratt proposed Findings of Facts and Recommendations for disposition under Title 18 U.S.C. ' ' 3401(i) and 3583(e) and (g).

The Court conducted the following procedures in accordance with Rule 32.1 of the *Federal Rules of Criminal Procedure* and 18 U.S.C. ' 3583.

1. At the Initial Hearing on June 19, 2014 regarding the Petition, the Court advised Defendant of his rights and provided him with a copy of the petition. CJA Counsel, Jonathan M. Hodge, was appointed to represent the defendant. At the Initial hearing on July 1, 2014 regarding the Supplemental Petition, the Court again advised Defendant of his rights and provided him with a copy of the Supplemental Petition.

2. On August 14, 2014, the Court held a hearing on the Petition and Supplemental Petition. Defendant, Ralph T. Minor, appeared in person and with his appointed counsel, Jonathan M. Hodge. The government appeared by Josh J. Minkler, Acting U.S. Attorney, via telephone. U.S. Probation appeared by Officer Brian Bowers.

3. After being placed under oath, Mr. Minor, by counsel, stated his readiness to waive the preliminary examination and proceed with the revocation hearing. Mr. Minor then waived, in writing, the preliminary hearing.

4. Mr. Minor admitted to Violation No. 5 of the Supplemental Petition. The Government orally moved to dismiss Violation Nos. 1-4 of the Petition and the Court granted the same

5. The allegation to which Defendant admitted, as fully set forth in the Supplemental Petition is:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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5	“The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.”
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On May 9, 2014, the offender left a voice message requesting a return call. Later that day, this officer returned the call and left a message for him to report to the office for a meeting at 2:00 PM that same day. The offender did not report. On May 19, 2014, the offender left a voice message requesting a return call. Later than day, this officer returned the call and left a message for him to report to the office for a meeting at 2:30 PM that same day. The offender did not report.

6. The parties stipulated that:

(1) Mr. Minor has a relevant criminal history category of VI. *See*, U.S.S.G.

' 7B1.4(a).

(2) The most serious grade of violation committed by Mr. Minor constitutes a

Grade C violation, pursuant to U.S.S.G. ' 7B1.1(a).

(3) Pursuant to U.S.S.G. ' 7B1.4(a), upon revocation of supervised release, the range of imprisonment applicable to Mr. Minor is 8-14 months.

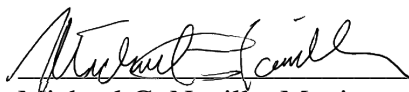
7. The parties jointly recommend a sentence of 11 months, with no term of supervised release to follow. Further, the defendant will self-surrender upon notice from the U.S. Probation Office and will continue to reside at the Volunteers of America in Evansville until he reports to the BOP as previously ordered.

The Magistrate Judge, having considered the factors in 18 U.S.C. 3553(a), and as more fully set forth on the record, finds that the Defendant violated the above-delineated condition of his supervised release, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of 11 months, with no supervised release to follow. The defendant will self-surrender upon notice from the U.S. Probation Office and will continue to reside at the Volunteers of America in Evansville until he reports to the BOP as previously ordered.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. Counsel for the parties and Mr. Minor stipulated in open court to waive the 14-day period to object to the Report and Recommendation of the undersigned Magistrate Judge.

WHEREFORE, the U.S. Magistrate Judge **RECOMMENDS** the Court adopt the above Report and Recommendation revoking Ralph T. Minor's supervised release.

IT IS SO RECOMMENDED this 14th day of August, 2014.



Michael G. Naville, Magistrate Judge
United States District Court

Distribution:

All ECF-registered counsel of record

U.S. Marshal

U.S. Probation Office